THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE B. CHANDRA KUMAR

WRIT APPEAL Nos. 1542 OF 2002; 1606 OF 2005 AND
CONTEMPT CASE (SR) No. 6549 OF 2007

COMMON JUDGMENT: (per Sri B. Prakash Rao, J)

Since all these matters are interconnected with each other they are taken up together for disposal.

After hearing the party-in-person and the learned Government Pleader for Home appearing on behalf of the respondents, the ultimate question which arises for consideration is as to the quantum of compensation payable or any other alternative to be provided for the disability suffered by the brother of the petitioner viz., K. Rameshwar, who died in a hit and run case in a road accident on 29-04-2002.

The case of the petitioner who is appearing as party-in-person is that in spite of the fact that his deceased brother was admittedly suffering disability and though he made various representations including the one made on 15-05-2002 and the other on 13-06-2002 before the Government, no action has been taken which has resulted in filing of Writ Petition Nos. 11738 and 24544 of 2002. However, the writ petitions are dismissed, hence the present appeals are filed.

During the pendency of the appeals, in view of certain interim orders which were earlier passed by the Division Bench, contempt proceedings have been initiated, and the same is also taken up.

In the aforestated background and in view of the fact that the question in this case being that of entitlement, quantum vis-à-vis the extent of disability, loss of damages etc., whatever suffered by the deceased or the petitioner herein, necessarily an enquiry has to be conducted where all these aspects in detail have to be gone into on oral and documentary evidence, which cannot be exercised by this Court under Article 226 of Constitution and having regard to the peculiar facts and circumstances of the case, we deem it appropriate to

direct a District Judge to hold a comprehensive enquiry and pass orders on these aspects.

Accordingly, the District Judge, Medak at Sanga Reddy is directed to conduct a comprehensive detailed enquiry, after giving notice and opportunity to both sides. The learned District Judge shall consider the aspects such as extent of disability, loss or damages or other sufferance met by the deceased or the petitioner and assess the quantum of compensation or any other alternative relief to which the petitioner would be entitled to. He shall also fix the responsibility against the concerned authorities.

The learned District Judge shall issue notices to the concerned authorities and the officers who are found to be responsible or answerable for all such actions or inactions as complained by the petitioner. The entire enquiry shall be completed within a period of two months from the date of receipt of a copy of this order.

It is made clear that the petitioner and the authorities concerned are at liberty to produce any evidence, both oral and documentary and the same shall be considered by the learned District Judge in accordance with law. The ultimate decision to be given by the learned District Judge would be treated as a decree and the same can be executed against the persons who are held responsible.

It is pointed out by the petitioner that during the course of these proceedings, an offer was made to him for providing a job. However, subsequent to the appointment, he was removed without any reason. This aspect is to be taken into consideration by the learned District Judge while considering the case of the petitioner. Further, we make it clear that the learned District Judge shall complete the enquiry independently in accordance with law uninfluenced by any of the observations made in these proceedings.

Subject to the above directions, the writ appeals are disposed of.

In view of the aforesaid directions, the contempt case (SR) does not survive, hence dismissed. However, with liberty to the petitioner to

take appropriate steps and proceedings for due implementation of the orders that would be passed by the learned District Judge.

B. PRAKASH RAO, J

B. CHANDRA KUMAR, J

09-04-2009
Note: Furnish copy in two weeks
B/O
ks